

REMARKS

The present amendment and request for reconsideration is filed in response to the Office Action mailed May 18, 2004.

In the Office Action, Claims 49-50 and 52-54 were indicated as being allowable if rewritten in independent form, including the limitations of the base claim and any intervening claims. Applicants have redrafted Claim 41 to include the features of Claim 53. It is therefore believed that Claim 41 and the claims that depend thereon are allowable. In addition, because Claim 41 is generic to a camera that remains outside the body or is built into the insertion portion of an endoscope, it is submitted that Claim 43 should remain in the application and be allowed.

Furthermore, Claims 44 and 51 should remain dependent on either Claim 42 or 43.

Finally, applicants have amended Claim 54 to depend from Claim 41. It is therefore requested that Claim 54 be allowed to remain in the application.

Claims 41 and 42 were rejected under 35 U.S.C. § 103(a) as being anticipated by [sic] Hayashi, U.S. Patent No. 6,070,096. Without agreeing with the rejection, and in order to advance prosecution of this application, applicants have added new Claim 59 that incorporates the features of Claims 41 and 44. For the reasons set forth below, it is believed that Claim 59 and the claims that depend thereon are allowable.

Claims 44-48 and 51 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayashi, U.S. Patent No. 6,070,096, in further view of Renault, U.S. Patent No. 4,449,535, in further view of Suzuki, U.S. Patent No. 6,028,622. Applicants respectfully traverse the rejection.

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Applicants respectfully submit that the combination of references cited by the Examiner does not teach or suggest the combination of elements set forth in Claim 59 including a camera with a low light color image sensor and light source filter that simultaneously transmits fluorescence excitation light and an amount of reference reflectance light not in a fluorescence detection wavelength band, such that the intensity of the reflected reference light is approximately matched to the intensity of the fluorescence light projected onto the low light color image sensor. The excitation filters set forth in the Hayashi patent only transmit excitation light produced by a mercury vapor lamp. See Col. 22, lines 40-44. Similarly, the Suzuki reference cited by the Examiner only teaches or suggests optical filters having transmission regions and cutoff wavelength regions. See Col. 4, lines 50-59. As can be seen in Figure 2, there is minimal overlap between the filters, and no filter transmits both excitation light in region 4B and a reference reflectance light. Finally, the Renault reference cited by the Examiner only indicates that a mercury vapor lamp transmits light at two different wavelengths but does not indicate the transmission characteristics of any filter designed to use such a mercury vapor lamp. In particular, nothing in the Renault reference teaches or suggests that the system using the mercury vapor lamp should transmit light such that the intensity of the reflected reference light projected onto the low light color image sensor is approximately matched to the intensity of fluorescence light, also projected onto the low light sensor. Absent a teaching or a suggestion of a combination of elements set forth in Claim 59, it is believed that Claim 59 and the claims that depend thereon are allowable.

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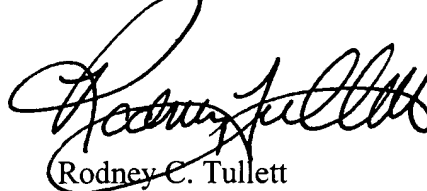
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In light of the above, it is requested that the Examiner allow Claims 41 and 59, as well as the claims that depend thereon, at the earliest possible date.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

Date:

July 28, 2004

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RCT:pt

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